

REMARKS

Claims 1, 3-6, 8, 10-12, and 14-21 are pending in the present application. Claims 1, 4, 6, 8, 11, 14, 16, 18, and 20 stand rejected under 35 U.S.C. § 102(b) over U.S. 5,100,651 ("Boyer") insofar as the Examiner believes that Boyer teaches the use of a cationic antimicrobial substance. Applicant has traversed this rejection in past responses because Boyer does not teach cationic antimicrobial substances and maintains that position. Also, claims 1, 3-6, 8, 10-12, and 14-21 stand rejected under 35 U.S.C. § 112, ¶1 as lacking enablement to the extent that the Examiner believes alexidene of, e.g., claim 4 is not a cationic antimicrobial substance. Applicant believes that alexidene would be understood by one of skill in the art as being a cationic antimicrobial substance.


In an interview on October 30, 2003, Applicant's representative and the Examiner discussed the Boyer reference and the claiming of alexidene as a cationic antimicrobial substance. As a result of that interview, the Examiner suggested that the species of claim 4 excluding alexidene be included into the independent claims so as to render all pending claims allowable.

In response to the Examiner's suggestion and solely to facilitate a notice of allowance in the case, Applicant is presenting claims as amended in the manner suggested by the Examiner to include the species of claim 4 excluding alexidene, namely chlorhexidine diacetate, chlorhexidine digluconate, cetylpyridinium chloride, domiphen bromide, benzalkonium chloride, and benzethonium chloride, without prejudice to the filing of any appropriate continuation application. Accordingly, claims 4, 11, 16, and 20 are currently being cancelled. Claims 12 and 21 are merely amended as a matter of form. No new matter is being presented by any of the foregoing amendments.

Having addressed all outstanding issues, Applicant respectfully requests allowance of the present application.

Respectfully submitted,

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